

Appl. No. 10/016,532
Response dated November 5, 2003
Reply to Restriction Requirement of October 31, 2003

3763 #4
Election
S. Buyer
11/18/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George J. Picha, et al.
Serial No.: 10/016,532
Filed: December 10, 2001
Title: GASTROSTOMY DEVICE PACKAGE AND METHOD OF
ASSEMBLY
Examiner: Loan H. Thanh
Art Unit: 3763
Docket No.: 29462

RESPONSE AND ELECTION
(In response to Paper No. 3)

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Sir:

This communication is filed in response to the Office action dated October 31, 2003. The one month period for responding to the Office action expires on November 31, 2003.

RECEIVED
NOV 14 2003

TECHNOLOGY CENTER R3700

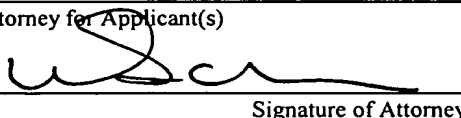
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Va. 22313-1450 on the date indicated below.

Una L. Schumacher

Name of Attorney for Applicant(s)

11/5/03

Date


Signature of Attorney

Appl. No. 10/016,532
Response dated November 5, 2003
Reply to Restriction Requirement of October 31, 2003


The Examiner has required the election of a single species for prosecution on the merits. In compliance with the requirement, applicant elects to proceed with the prosecution of the species of Group I (drawn to a percutaneous gastrostomy device), Species 1 (figs. 1-4a) which includes claims 1-6, 8-9, and 16-17.

Applicant respectfully submits that claims 1 and 2 are generic to each of the species embodied in claims 7 and 10-15, each of which depend from either claim 1 or claim 2. Thus, if claims 1 and/or 2 are allowed, each of its dependent non-elected claims will also be allowable. (MPEP Section 806.04(d).)

Applicant also reserves the right to rejoin process claims 18-20, in accordance with MPEP Section 821.04, if product claims 1 and/or 2 are allowed.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 29462.

Respectfully submitted,
PEARNE & GORDON LLP

By: 
Una L. Schumacher, Reg. No. 48,998

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: November 5, 2003